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MEMORANDUM FOR: Director of Central Intelligence

THROUGH

: Acting Deputy Director for Support *H92 4 May 64*

SUBJECT

: Directive from the Deputy Secretary of Defense on the Use of the Polygraph *OE*

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1. This memorandum is for information only.
2. On 29 April Mr. Vance, Deputy Secretary of Defense, issued an order to all DOD elements that in the use of the polygraph the following conditions will obtain:
 - a. Subject must voluntarily sign an agreement to be polygraphed;
 - b. Subject to be warned of his rights under the Fifth Amendment or Article 31 of the Uniform Code of Military Justice;
 - c. if a two-way mirror is utilized, the Subject must be informed; and
 - d. if the interview is recorded, the Subject must be informed.

As advised at the morning meeting of 30 April the Agency system of polygraph use includes the signing of the agreement, the advising of the Subject of his rights as is expressed in the polygraph form, and the Subject will be informed, if he asks, whether the interview is being recorded. The Office of Security does not use two-way mirrors in polygraph interviews. I called Mr. Frank Bartimo, Deputy General Counsel, DOD, for guidance as to the background of this action. He advised that in the appearance of DOD representatives before the Moss Committee there was considerable variance in the procedures used by Army, Navy, Air and NSA as regards the signing

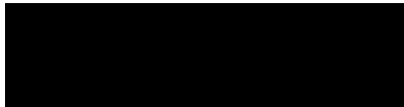
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of agreements, advising of rights, use and notification to the Subject of two-way mirrors and recordings. Mr. McNamara was concerned over this variance within the DOD and discussed it with Mr. Vance. It was felt that the system should be made uniform throughout the DOD and this directive is the result. Mr. Bartimo advised that this was not the result of specific pressure on DOD from the Moss Committee.

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R. L. Bannerman
Director of Security

cc: ADD/S

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